

## Legal Rights

Understanding our legal rights as persons with hearing loss is essential for success in the classroom and at clinical placements. Federal and state laws exist to support you and help you meet your needs in university and after graduation. Note that this document is meant to be used as an outline of resources only and should not be taken as legal advice. For further information, please contact a lawyer.

This is what you need to know:

### **The Americans with Disabilities Act (ADA)**

Federal law passed in 1990 requiring employers, public places, and public entities to provide reasonable accommodations for people with disabilities, including hearing loss.

ADA Amendments Act passed in 2008, effective January 1, 2009, broadening the term “disability” to reduce instances of discrimination based on subjective interpretation of the ADA.

If your workplace has 15 or more employees, you have a legal right to reasonable accommodations at work. Note: unless to do so would impose undue hardship on the employer, meaning the accommodation would require significant difficulty or expense.

State and local governments required to give all persons with disabilities equal opportunity for participation in government-funded programs.

All state colleges and universities must comply with the ADA. All private colleges

and universities that receive federal funds must comply with the ADA.

Public accommodations such as hotels, retail stores, movie theaters, public transit services, and medical offices are required to provide telecommunication devices for deaf and hard of hearing individuals. Note: unless to do so would impose undue burden or fundamental alteration in the services or goods provided.

Deaf and hard of hearing people who work with sign language interpreters must be provided with qualified interpreters for communicating important or official information.

Deaf and hard of hearing people who need transcription via Communication Access Real-time Translation (CART) must be provided with this service upon request at places of public accommodation.

Telecommunications relay services (such as video relay and protocol captioned telephone services) must be available 24 hours a day, 7 days a week, 365 days a year.

### **Section 504 of the Rehabilitation Act of 1973**

Federal law passed in 1973, making it illegal to exclude any person with a disability from participating in any program or activity

funded by the federal government. This includes all state colleges and universities as

well as most private colleges and universities.

If students at your college or university are eligible to receive grants and student loans from federal programs, excluding a student with a disability would be illegal.

Students with disabilities must be provided with appropriate “auxiliary aides and services” necessary for their inclusion. “Auxiliary aides and services” may include CART captioning, sign language interpretation, note-taking assistance, closed captioning for video materials, amplified telephones, assistive listening devices, and other accommodations.

Auxiliary aids and services must be effective at enabling participation. In other words, students with disabilities must be provided with accommodations that work for them as individuals. For example, if CART captioning does not successfully enable a student’s participation at a university receiving federal funds, a different accommodation must be provided.

Persons with disabilities must not be required to pay for auxiliary aides and services. These accommodations must be provided by the institution free of charge to the individual with a disability.

International students as well as American students with disabilities are covered by Section 504 of the Rehabilitation Act.

Students who are auditing courses or have not matriculated into a program are covered by Section 504 of the Rehabilitation Act.